

**Exhibit 1**

Shahir A. Batterjee's  
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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<i>IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001</i>	)	03 MDL No. 1570 (RCC)
	)	
	)	
	)	
THOMAS E. BURNETT, SR., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 03 CV 9849 (RCC)
	)	
AL BARAKA INVESTMENT AND DEVELOPMENT	)	
CORPORATION, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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**DECLARATION OF SHAHIR A. BATTERJEE**

I, Shahir A. Batterjee, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.
2. I have been informed by my attorney that I am a defendant (D67) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for lack of personal jurisdiction and improper service of process.
3. I was born on March 5, 1948 in Jeddah, Saudi Arabia, and have lived in Saudi Arabia all of my life, except for when I was studying at college from the late 1960s to 1970. I have always been a citizen of the Kingdom of Saudi Arabia.
4. I am a businessman, and have worked for Abdulraoof Batterjee & Sons from 1977 to the present. I am not the owner of that company. I became the financial director in 1992. Abdulraoof Batterjee & Sons engages in the retail trade of health care and pharmaceutical

products.

5. I earned a B.A. in Mathematics at Whittier College (California) in 1970. Since that time, I have visited the United States on a number of occasions, initially for vacation visits, and later for combined vacation and business visits relating to the company's retail business. I do not now recall the dates and places of all of my visits, but I have visited New York, Los Angeles, Phoenix, Kansas, San Francisco, and Orlando.

6. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. The company that I work for sells some products manufactured by several other companies in the United States.

7. I do not subscribe to or read either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

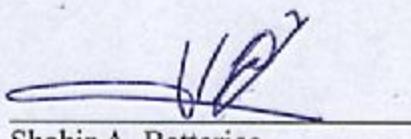
8. I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never supported any person or organization that I have known to participate in terrorist activities.

9. The Third Amended Complaint in this case has no allegations about me, other than the statement in Paragraph 228 that I and several other individuals were "co-conspirators, aiders and abettors" of the Benevolence International Foundation. I briefly served as a board member of the Benevolence International Foundation, from about 1993 to 1994, but I resigned after the troops from the former Soviet Union withdrew from Afghanistan. I never had any active role as an officer or employee of the Benevolence International Foundation. During the brief period that I was a board member, I did not discuss any issues relating to my service with my cousin, Adel Batterjee. Although I made some donations to the Benevolence International

Foundation when it was located in Saudi Arabia, prior to 1992, I did not do so after it moved to the United States in 1992. I did not have any involvement with the activities of the Benevolence International Foundation that are set forth in the Third Amended Complaint, since those activities did not occur while I was associated with that organization.

10. I can read and understand English.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Shahir A. Batterjee

Executed on the 7 day of April, 2004.